IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1 OF 2006
IN
WRIT PETITION NO.3112 OF 2005

1. Tulip Star Hotels & ors. Appellants
vs.
1. Union of Centaur-Tulip Employees
& ors. Respondents

Mr.C.U.Singh, Senior Counsel with Mr.Rajesh Mirehandani
for the appellants.

Mr.R.D.Bhatt for the respondent no.1.

Mr.J.S.Saluja i/b.M/s.M.V.Kini & Co. for the respondent
no.2.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 10th January 2006

P.C.

At the outset Mr.C.U.Singh, the learned senior counsel for the appellants submitted that the documents at pages 185-186, 251-253, 257-262, 263-269 and 274-278 were not before the learned Single Judge and the appellants do not seek to place any reliance on the said documents and the said documents may not be treated as part of the papers of this appeal. We accept the statement of the learned senior counsel.

2. We heard Mr.C.U.Singh, the learned senior counsel for the appellants and Mr.R.D.Bhatt, the learned counsel

for the respondent no.1.

3. The question whether there is a relationship of employer and employee between the appellant no.1 and the concerned members of respondent no.1-Union is a question of fact and that will be decided during the course of trial in the complaint. Obviously, in this view of the matter, the complaint could not have been thrown out at threshold. The order of the learned Single Judge confirming the order of Industrial Court, therefore, does not call for any interference.

4. Needless to clarify that the observation made in the impugned order or in the order of the Industrial Court shall not influence the consideration of the complaint including the issue of relationship of employer and the employee between the appellant no.1 and the concerned members of the respondent no.1-Union.

5. With the aforesaid observations, the appeal is dismissed in limine.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)